

BEST AVAILABLE COPY**ATTN: MAIL STOP AF
PATENT APPLICATION****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In Re the Application of:

McCall, Catherine A.
Hunter, Shirley Wu
Weber, Eric R.

Group Art Unit: 1644

Examiner: Nolan, Patrick J.

Serial No.: 09/662,293

Filed: September 14, 2000

Atty. File No.: AL-2-C4

For: "NOVEL DERMATOPHAGOIDES
NUCLEIC ACID MOLECULES,
PROTEINS AND USES THEREOF"**TERMINAL DISCLAIMER**

<p>URGENT CERTIFY THAT CORRESPONDENCE IS BEING FACSIMILE TRANSMITTED TO EXAMINER PATRICK J. NOLAN, PHD, FAX NO. 703-872-9306, ADDRESSED TO MAIL STOP AF, COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450, THIS 10TH DAY OF NOVEMBER 2004</p> <p>HESKA CORPORATION BY: <i>Susan A. Gordon</i> Susan A. Gordon</p>

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

I, Theresa A. Brown, Esq., residing at 1063 Hawk Ct., Louisville, Colorado 80027, represent that I am authorized to sign this document on behalf of Heska Corporation as its Patent Attorney; that Heska Corporation is a corporation fully organized under the laws of the State of Delaware and has a place of business at 1613 Prospect Parkway, Fort Collins, Colorado 80525; and that Heska Corporation is the owner by assignment of the entire right, title and interest in and to U.S. Patent Application Serial No. 09/662,293, for "NOVEL DERMATOPHAGOIDES NUCLEIC ACID MOLECULES, PROTEINS AND USES THEREOF," filed September 14, 2000, said assignment being recorded at Reel 012167, Frame 0656.

I hereby disclaim, on behalf of Heska Corporation, the terminal part of any patent granted on U.S. Patent Application Serial No. 09/662,293, which would extend beyond the expiration date of any patent granted on U.S. Patent Application Serial No. 10/218,743, and hereby agree on behalf of Heska Corporation that any patent granted on U.S. Patent Application Serial

No. 09/662,293 shall be enforceable only, for and during such period that the legal title to said patent shall be the same as the legal title to any patent granted on U.S. Patent Application Serial No. 10,218,743, this agreement to run with any patent granted on U.S. Patent Application Serial No. 09/662,293 and to be binding upon the grantee of such patent and its successors or assigns.

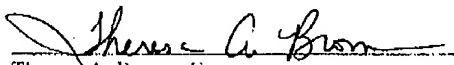
I do not disclaim any terminal part of any patent granted on U.S. Patent Application Serial No. 09/662,293 prior to the expiration date of the full statutory term of any patent granted on U.S. Patent Application Serial No. 10/218,743 in the event that such patent later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321(a), has all claims cancelled by reexamination certificate, or is otherwise terminated prior to expiration of its statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

The evidentiary documents accompanying or referred to in the instant Terminal Disclaimer have been reviewed by the undersigned and it is certified that to the best of assignee's knowledge, title is in the assignee.

Applicants hereby authorize the statutory disclaimer fee of \$55, calculated for a small entity, as specified under 37 CFR 1.20(d) to be charged to Deposit Account 081930.

Respectfully submitted,

Dated: November 10, 2004


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